

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CERTAINTEED CORPORATION,)

Plaintiff,)

VS.)

MODERN PRODUCTS INDUSTRIES,)

INC. and ROY THEIN,)

Defendants.)

CIVIL ACTION NO.
03-CV-2131 (PBT)

ORAL VIDEOTAPED DEPOSITION OF MORRIS G. HANEY

October 26, 2004

COPY

A P P E A R A N C E S:

APPEARING FOR PLAINTIFFS:

DUANE MORRIS LLP
BY: MR. ANTHONY J. FITZPATRICK
470 Atlantic Avenue, Suite 500
Boston, Massachusetts 02210
(617) 289-9220

APPEARING FOR DEFENDANTS:

GUNN & LEE, P.C.
BY: MR. JOHN C. CAVE
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
(210) 886-9500

ALSO PRESENT:

MR. MORRIS G. HANEY,
the Witness;

MR. LOUIS SOUCIE,
Videographer;

MS. SHIRLEY J. MORRISON
Certified Shorthand Reporter
in and for the State of Texas.

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1 A. Well, it eliminates a need for a coupling,
2 which makes two joints or two threaded areas on a
3 connection. Rather than -- rather than that, our
4 product offers only one connection which reduces the
5 possibilities of a leak by 50 percent. It adds an
6 alignment feature which allows you to start the
7 threads, the male into the female, with ease without
8 any possibility of cross-threading. And when the
9 joint's properly installed, that alignment feature
10 then becomes strain relief for the -- for the joint
11 itself, which reduces breakage significantly.

12 Q. Any other problems that are addressed by
13 this product?

14 A. Well, the lack of need for a nonmetallic
15 coupling of some sort or a plastic coupling of some
16 sort. It's totally eliminated.

17 Q. And what's the advantage of that?

18 A. Well, plastic couplings are historically
19 weak, and there are some instances where pipe would
20 be installed with male and female adapters and
21 they're extremely susceptible to breakage. The
22 metallic couplings are either corrosive, they're
23 subject to the -- if there's an aggressive water
24 that's being pumped through these pipes, electrolysis
25 would eat the couplings up. If you go with a

1 stainless or a brass coupling, they're more
2 expensive; and then also they -- it adds weight to
3 your -- to your drop pipe and cost to the
4 installation.

5 Q. Now, I'm just going to go back to something
6 that you just said.

7 MR. FITZPATRICK: Actually, could you
8 read back that prior answer, please?

9 THE REPORTER: Answer: Well, plastic
10 couplings are historically weak and there are some
11 instances where pipe would be installed with male and
12 female adapters and they're extremely susceptible to
13 breakage. The metallic couplings are either
14 corrosive, they're subject to the -- if there's an
15 aggressive water that's being pumped through these
16 pipes, electrolysis would eat the couplings up. If
17 you go with a stainless or a brass coupling, they're
18 more expensive; and then also they add weight to your
19 -- to your drop pipe and costs to the installation.

20 Q. (By Mr. Fitzpatrick) Now, you indicated,
21 Mr. Haney, that there are instances where male and
22 female connections have been used and they're
23 susceptible to breakage?

24 A. Yes, that's very true.

25 Q. When you speak of male-to-female

1 during the discussion that we -- having both
2 installed wells and put a lot of pipe together, put a
3 lot of fittings together, you become aware of the
4 fact that in the field, application of 20-foot joints
5 of pipe, you're not always perfectly aligned. And
6 the necessity for a 20-foot joint that would easily
7 screw into another 20-foot joint male by female and
8 align itself properly and not allow it to cross-
9 thread was very important.

10 Q. How were the -- the female threads threaded
11 on the initial sample or samples that you made?

12 A. Well, the initial sample was cut off about
13 the length you see on the table there and threaded in
14 a lathe. Just a plain old metalworking lathe.

15 Q. You said that you came up with a mandrel
16 after a couple of tries. What were the problems you
17 had in coming up with the mandrel?

18 A. Dimensional control. Getting the proper
19 dimension so that you'd get a full thread depth
20 without weakening the product to some extent.

21 Q. And so Ed had to make a couple of different
22 mandrels before you got to that point?

23 A. That's correct.

24 Q. Then you said you worked on the alignment
25 feature.

1 A. Oh, Water Well National -- the Water Well
2 Journal and National Driller. The PPFA has bulletins
3 out on -- on the care that has to be taken with
4 fittings.

5 Q. What's the PPFA?

6 A. Plastic Pipe and Fittings Association.

7 Q. Now, you spoke of galvanized fittings being
8 replaced on an annual or semiannual basis. Is that
9 how frequently it's necessary to replace galvanized
10 fittings?

11 A. In some of the applications we have
12 Shur-Align in, fittings were replaced every six
13 months, and we've eliminated that necessity.

14 Q. And Mr. Thein spoke yesterday of pump
15 failures.

16 A. That's correct.

17 Q. And -- and he indicated that the average
18 life, I believe, of a pump is about 17 years?

19 A. I'd say that's the average life, yes.

20 Q. And do you have any understanding as to
21 what the sort of standard life would be for a -- an
22 injection-molded plastic coupling?

23 A. No, I have no idea.

24 Q. Other than a pipe failure or a coupling
25 failure, are there any other reasons why it would be